

CHAPTER 4

DETENTION FACILITY CONSTRUCTION

Penal Code Section 6029 requires cities and counties to submit design plans and specifications to the BOC for review, recommendations, and approvals before undertaking any local detention facility construction or remodeling project. Plans are reviewed at initial, mid-point, and final design stages for conformance with operations and construction standards as set forth in Titles 15 and 24, California Code of Regulations. The plan review process serves adult jails, juvenile halls and camps, court holding facilities, and any other place of local detention. It includes construction projects funded by the BOC and from other sources.

During this biennial reporting period, the BOC conducted 610 architectural plan reviews and reported the results to units of local government. The plan review process helps ensure the construction of safe and secure detention facilities that meet local needs, operate efficiently and cost-effectively, and in compliance with code and standards. Physical plant design that meets code and standards is integral to preventing escapes and helping ensure the safety of inmates/wards and staff.

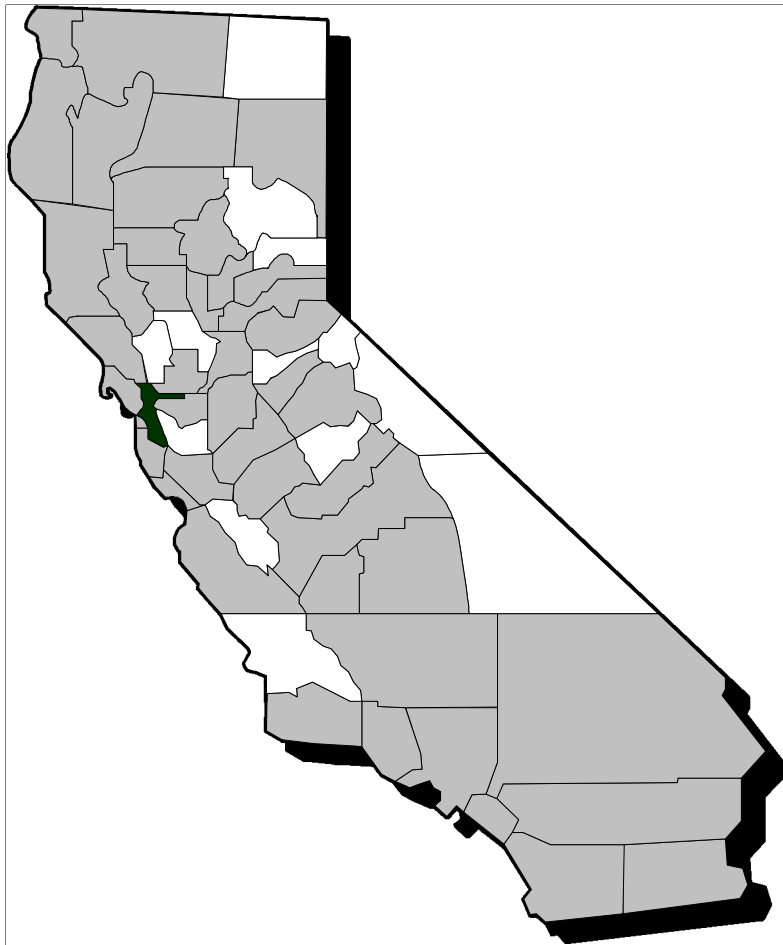
Construction, renovation, and repair are ongoing and necessary to maintain necessary capacity, combat dilapidation, and improve functionality in California's 449 local adult facilities and 119 local juvenile facilities. Seventy-five of the 119 local juvenile facilities are 30 or more years old and are, or will be, in need of replacement, reconstruction or major renovation.

Construction Grant Program

The BOC's Construction Grant Program supports county jail and juvenile facility construction and renovation projects. During this biennial reporting period, the BOC administered 93 state and federally funded construction projects in 45 counties. Figure Five provides an overview of these projects.

- The Violent Offender Incarceration and Truth-in-Sentencing (VOI/TIS) Incentive Grant Program provided federal funds for 41 juvenile facility construction projects (\$174 million) and 29 adult facility construction projects (\$29 million).
- The County Juvenile Correctional Facilities Capital Expenditure Act provided State General Funds for 19 juvenile facility construction or renovation projects (\$98.5 million).
- The County Correctional Facilities Capital Expenditure Fund (Jail Construction Fund) supported 4 adult facility renovation projects financed primarily with state general obligation bonds (\$2.4 million).

Figure Five



- 45 counties (shaded) received \$304 million for facility construction and renovation.
- 1,528 jail beds to be added or replaced.
- 3,205 juvenile facility beds to be added or replaced.
- 19 new juvenile facilities to be built.

These construction projects will be completed between now and 2004. They reflect a collaborative partnership between the BOC and local jurisdictions that goes beyond maximization of resources and encompasses significant joint planning and technical assistance activities. Local jurisdictions define their needs and have primary responsibility for facility design and construction activities; the BOC provides guidance in the form of minimum standards for construction and operations. The BOC provides technical support from pre-architectural planning through design, construction, transition and occupancy. This approach has proven highly successful in bringing new facilities on-line and meeting both state and local needs for properly constructed and well-managed facilities.

Appendices I, J, and K provide county specific information on amounts of grant awards and types of projects. Project descriptions and expected dates of completion are available on the BOC website. The remainder of this chapter briefly summarizes the three sources of construction program funds and future construction needs.

Federal VOI/TIS and State General Fund Programs

The VOI/TIS Incentive Grant Program began in 1996. This continuing federal program is administered in California by the BOC on behalf of the Youth and Adult Correctional Agency. This program has provided over \$203 million that has been distributed by the BOC to 42 counties for 41 local juvenile facility construction projects and 29 local adult facility construction projects (as of June 30, 2000). Over 85 percent of available funds were dedicated for juvenile facility construction in accordance with provisions of federal law, the annual State Budget Acts, and the requirements of Chapter 339, State Statutes of 1998.

In FY 1998/99, the Legislature established the County Juvenile Correctional Facilities Capital Expenditure Act (Welfare and Institutions Code Section 749.3 *et seq.*). Administered by the BOC, this Act provided \$98.5 million in State General Funds to the BOC for distribution to counties for construction and renovation projects. Under this Act, the BOC awarded construction grants to 16 counties for 19 juvenile facility construction and renovation projects.

Under both programs, grant funds must be used to supplement, not supplant, local construction efforts. For FY 1997/98 VOI/TIS grants, counties provided the federally required 10 percent cash match. For FY 1998/99 and later VOI/TIS grants, and all grants under the County Juvenile Correctional Facilities Capital Expenditure Act, State Budget Acts raised the match requirement to 25 percent (10 percent cash and 15 percent in-kind match). No waiver of match is allowed.

Funds were distributed by a competitive process under both programs based upon requirements of law and recommendations adopted from a BOC-appointed executive steering committee composed of BOC members, sheriffs, chief probation officers and others. County proposals were rated, ranked, and recommended for funding based on criteria that included: demonstrated need; index of cost-effectiveness; thoroughness of construction work plan; readiness to proceed; and board of supervisors' commitment to meet match requirements and fully and safely staff and operate the facility. Over \$450 million in proposed and meritorious county projects could not be awarded grants due to lack of available funds.

Federal law and VOI/TIS program guidelines identify different construction requirements for local juvenile and adult facilities. Local juvenile facility projects funded under VOI/TIS must add bed space for any type of offender except adjudicated violent offenders. Counties cannot make general modifications or juvenile facility improvements with federal funds unless necessitated by the added bed space. Local adult facility projects are subject to less restrictive federal rules; adding bed space is optional and VOI/TIS funds can be used solely to make general adult facility renovations or improvements.

Federal law allows up to 15 percent of a state's formula VOI/TIS grant to be used by counties for local adult and juvenile detention facility construction. States may declare "exigent circumstances" in order to allocate more than 15 percent to counties, but exigent circumstances funds can only be used for local juvenile facility construction. Since FY 1997/98, California's Legislature has annually declared exigent circumstances, appropriated the majority of available VOI/TIS funds to the BOC for distribution to counties, and required the BOC to administer a competitive process for grant awards.

Future VOI/TIS funding is contingent upon annual appropriations from Congress, and future congressional action could impose new rules or program requirements. Under current rules, California's qualification for VOI/TIS funds during the next biennial reporting period will be based in part on federal analysis of state arrest and prison confinement data to determine if necessary federal benchmarks are met for continued funding.

Jail Construction Fund

Since its inception in 1980, the Jail Construction Fund has provided over \$1.5 billion to 56 of California's 58 counties for local adult jail facility construction projects, primarily from the state's General Fund and general obligation bonds. County funds and match augmented state funds for an anticipated total construction expenditure of \$3 billion. County matches ranged from the minimum required 25 percent to a high of 85 percent.

Over the past 20 years, the Jail Construction Fund has been primarily responsible for increasing California's local jail system capacity from 31,824 beds in 1980, to 70,963 beds by the end of 1999. The projects supported by the Jail Construction Fund have helped improve conditions of confinement, reduced crowding in many counties, and aided in meeting court ordered requirements or consent decrees in some counties. Like facilities constructed under all BOC funding programs, many new and remodeled jails have been built as "new generation" facilities reflecting state-of-the-art design. This enables more effective inmate supervision, management and control, and may result in reduced operational costs in some jurisdictions.

During this biennial reporting period, Butte, Colusa, Santa Clara, and Shasta counties had active jail renovation projects. Butte County's project is now complete; Colusa and Shasta counties projects are in the final close-out phase (project audits), and Santa Clara's project is in the design phase. The estimated completion of all projects is FY 2000/01, at which time the program will conclude.

Future Construction Needs

Despite successful facility design and capacity building, renovation, and replacement efforts under the state bond program, and state and federal grant programs, bed space demands continue to outpace available local detention facility capacities. This has occurred even though many early release and alternative to confinement programs have been implemented in most counties. This is due in part to the fact that California's population continues to grow.

As facilities age, cities and counties must repair and remedy dilapidation to maintain functional use and existing capacity, and should upgrade to current construction codes in critical areas affecting fire and life safety. Construction and renovation efforts are essential to the ongoing safe operation of California's local correctional system to protect inmates/detainees and staff, and to maintain public safety.

Juvenile Facilities: The statewide local juvenile facility capacity was 11,399 beds versus an average daily juvenile facility population of 11,437 in 1999. However, the majority of juvenile facilities are 30 or more years old, significantly dilapidated, and in need of replacement or major renovation. Most of these facilities were designed for low risk offenders, such as incorrigibles and truants. They were not designed for (and many do not have necessary secure bed space to be able to safely confine) today's high risk and serious juvenile offenders. Juvenile profile survey data show that over two-thirds of local juvenile detainees now have felony charges, and over two-thirds of the total juvenile facility population are adjudicated minors serving court commitments at the local level.

More than 7,200 persons were released earlier than scheduled due to juvenile facility capacity constraints in 1999, plus over 2,600 persons were placed in alternatives to confinement due to lack of bed space, leaving current juvenile facilities with only the most serious offenders. The statewide population of

juveniles (between age 11 and 17 who are responsible for 99 percent of juvenile arrests) will increase by one-third within the next decade. Taking into account the beds being brought on line under current construction funding programs (many of which are replacing dilapidated, non-functional beds), the juvenile bed shortfall is expected to be 2,380 by 2002, with an additional need to replace 1,570 dilapidated beds.

Adult Facilities: Statewide, an additional 5,349 local adult jail beds are needed immediately to alleviate crowding (computed based on the average daily jail population in 1999 of 76,312 versus a current statewide jail capacity of 70,963). Taking into account the beds being brought on line under current construction funding programs (some of which are replacing dilapidated, non-functional beds), the jail bed shortfall is projected to be 16,700 by 2002. The additional jail bed need is even greater if there is a desire to limit early releases (208,780 persons were released from local jails earlier than scheduled due to capacity constraints in 1999). And, over 2.1 million arrest warrants (including 243,319 felony arrest warrants) were unserved in 1999.

Proposition 21: In March 2000, voters approved Proposition 21, which requires more juvenile offenders to be tried as adults, mandates that certain juvenile offenders be held in local or state correctional facilities, increases penalties for gang-related crimes, and expands the list of violent and serious offenses for which longer prison sentences are given. Although there are no data yet available to assess the impact of Proposition 21 on the local corrections system, officials agree that this measure will increase the population pressures on local adult and juvenile detention facilities.

Future Funding

There is an additional \$877 million estimated to be needed in jail construction funds by 2002. In the 2000/01 State Budget Act, the Legislature made findings and declarations that there is an immediate need of \$400 million for local juvenile facility capital construction to enhance public safety.

In FY 2000/01, through the State Budget Act, the Legislature appropriated \$73.875 million from the General Fund to be distributed to counties for juvenile facility construction and renovation projects. It also appropriated \$58 million in continuing VOI/TIS funds to be distributed to counties for juvenile facility construction projects (budget amount was finalized to reconcile with the final federal formula determination made in November 2000).

For each FY 2000/01 construction funding program, counties must provide 25 percent match (at least 10 percent cash match and 15 percent in-kind match). The BOC will report on the allocation of these construction funds in its next biennial legislative report. Interested parties should access the BOC website for current information on all construction projects.